UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION - FLINT

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IN KE.	CASE NO. 12-32264-dof CHAPTER 7 HONORABLE DANIEL S. OPPERMAN
CHRISTOPHER D. WYMAN,	
DEBTOR,	
Samuel D. Sweet, Trustee, Plaintiff, v.	Adv. No. 20-03012
Michael E. Tindall, Individually and as 100% assignee of Barbara Duggan, Defendant.	

TRUSTEE'S RESPONSE TO NOTICE OF UNRESOLVED ISSUES AND IMPROPER CLOSING OF CASE

NOW COMES Trustee, Samuel D. Sweet, ("Trustee"), by and through his counsel, Samuel D. Sweet, PLC, and in response to Claimant's Notice of Unresolved Issues and Improper Closing of Case states as follows:

- 1. The Trustee believes that the issue raised by Michael Tindall is not proper.
- 2. A review of the counter claims raised by Tindall with respect to this Adversary Proceeding indicate that although clothed in state law, they specifically relate to the Trustee's duty as identified in §704 of the Bankruptcy Code. No other interaction or transactions have occurred between the parties except for the administration of this bankruptcy estate.
- 3. On August 23, 2019, the District Court under Denise Page Hood case # 19-11756 of the Eastern District of Michigan Southern Division specifically provided that the counter claims raised by Michael Tindall constituted core matters pursuant to 28 U.S.C. Section 157. See attached Order Denying Motion to Withdraw Reference [#1] and Administratively Closing Case.
- 4. The counter claims specifically relate to the administration of this bankruptcy estate.

5. This case is unlike the cases of Stern v Marshall, 564 U.S. 462 (2011), and Waldman v Stone, 698 F 3rd 913, (2012), in that those were cases in which fraudulent activities occurred prior to the bankruptcy and unrelated to the bankruptcy. The claims that Tindall alleges occurred as a specific result of the administration of the bankruptcy and as such are clearly within this court's jurisdiction. This court does not lack constitutional authority to adjudicate these counter claims. The counter claims are specifically related and intertwined with the bankruptcy administration.

WHEREFORE, for the reasons stated above the Trustee requests this Honorable Court deny the unresolved issues notice of Michael Tindall and grant the Trustee any such other further relief that this Court deems fair and equitable.

Respectfully submitted,

SAMUEL D. SWEET, PLC

By: /s/ Samuel D. Sweet Samuel D. Sweet (P48668) Attorneys for Trustee P.O. Box 757 Ortonville, MI 48462-0757 (248) 236-0985 ssweet@trusteesweet.us

Dated: 11/4/2022

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IN RE:		
CHRISTOPHER D. WYMAN,	CASE NO. 12-32264-dof CHAPTER 7 HONORABLE DANIEL S. OPPERMAN	
DEBTOR,	HONORABLE DANNEL S. OH ERWAN	
Samuel D. Sweet, Trustee,		
Plaintiff,	Adv. No. 20-03012	
V.		
Michael E. Tindall, Individually and as 100%		
assignee of Barbara Duggan,		
Defendant.		

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the following:

Trustee's Response to Claimant's Notice of Unresolved and Outstanding Issues, along with a copy of this Certificate of Service

was electronically served on the 4th day of November, 2022, upon:

Dennis L. Perkins Attorney for Debtor <u>bkperk@sbcglobal.net</u> (Via ECF Only)

was served via First Class Mail, pre-paid postage, on this 4th day of November, 2022, addressed as follows:

Christopher D. Wyman 6241 Grand River Road Brighton, MI 48114 Michael E. Tindall 18530 Mack Ave., Ste. 430 Detroit, Michigan 48236

/s/ Jessica A. Will
SAMUEL D. SWEET, PLC
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